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July 17, 2012

**VIA E.C.F.**

Hon. Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Ronell Wilson  
04 Cr. 1016(NGG)

Dear Judge Garaufis:

Colleen Brady, Michael Burt, Beverly VanNess and I represent Mr. Wilson. We write jointly with Assistant United States Attorney's James McGovern and Shreve Ariail seeking to adjourn the Atkins hearing in the above matter, which is presently scheduled for September 17, to a date convenient to the Court at the beginning of December 2012.

On February 1, 2012, Mr. Wilson served notice of his intent to seek a hearing pursuant to Atkins v. Virginia, 536 U.S. 304 (2002). On that date, your Honor scheduled the hearing for September 17, 2012. Since that time the defense and the prosecution have been working diligently to prepare. The requested adjournment is necessary because of the huge number of documents which must be reviewed, the number of experts who must meet with and test Mr. Wilson, and the number of witnesses who must be interviewed to adequately prepare for the hearing.

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As your Honor is aware, Mr. Wilson was twenty years old at the time of this offense. However, there is extensive documentation of his life including thousands of pages of records from the years Mr. Wilson spent in special education classes in the New York City public school system, and the years he was incarcerated in Brookwood Center, Rikers Island, the M.D.C., and the Federal Correctional Complex, Terre Haute. In addition the defense and the government must review records of Mr. Wilson's family members such as his mother and brother, who themselves have lengthy documentary records. Once the document review is completed the parties need to contact witnesses referred to in the documents, many of whom are no longer at their original places of employment. These witnesses are needed to inform the experts opinions and, potentially, as witnesses at the hearing.

In addition extensive testing is required of Mr. Wilson, his family members, and others. This is being conducted by experts for the parties, many of whom live outside the state and themselves have busy schedules. The government was not granted authorization for three of their experts, and they were not aware of the permissible scope of the testing, until your Honor's most recent decision on June 22, 2012. Once the testing is completed the parties will meet with their experts to plan, and ultimately write, a final report, itself a lengthy undertaking. Each side must then review the other's report and decide how best to approach the issues to be presented at the hearing and prepare the appropriate witnesses. This preparation, for what is expected to be an approximately three week hearing, is also time consuming.

For all of these reasons the defense and the government jointly request an adjournment of the Atkins hearing to a date convenient to the Court and a corresponding adjustment of the pre-hearing schedule as follows:

- August 15, 2012 - Testing Complete
- September 15, 2012 - Exchange of Reports
- October 15, 2012 - Final Motions
- November 5, 2012 - Responses to Motions

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November 19, 2012 - Oral Argument (if necessary)

December 3, 2012 - Evidentiary hearing on Atkins claim

If you need any additional information regarding this application, please contact my office at your convenience. Thank you for your consideration.

Respectfully submitted,



Colleen Quinn Brady

cc: AUSA James McGovern  
AUSA Shreve Ariail  
David Stern, Esq.  
Michael Burt, Esq.  
Beverly Van Ness, Esq.